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# BILL KRAMER

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STATE REPRESENTATIVE • 97<sup>TH</sup> ASSEMBLY DISTRICT

February 27, 2008

*Assembly Committee on Criminal Justice  
Testimony of Representative Bill Kramer on AB 846*

Chairman Kleefisch, Members of the Committee:

I am happy to be testifying before you today with my colleague and friend, Representative Kessler, on AB 846.

This legislation is aimed at preventing persons who try to take advantage of the latest technology to harass and stalk their victims. Currently, it is NOT unlawful for any person to monitor your whereabouts with a global positioning device – often found as a navigation system in vehicles or units that can easily be placed into a vehicle.

In most cases, the person being tracked is unaware that their movements are being monitored and tracked. This has become a problem with the advent and popularity of portable GPS units and too many stories have come out that they were being used to stalk or harass would-be victims.

To protect potential victims of this type of harassment, our legislation would make it a felony to place a unit onto, or to download information from, any vehicle that you do not own or control.

We were cognizant of the need for law enforcement to be able to maintain the ability to use such tools as they investigate crimes and prosecute offenders and have made a clear exception for this.

Additionally, we wanted to provide an exception for business owners – such as builders, trucking companies, plumbers, electricians – that may own fleets of vehicles. They ultimately are responsible for the whereabouts of both their employees and their equipment. In many cases employers may use GPS devices to minimize liability for accidents and reckless behavior. And as business owners, they should be able to monitor the use of company resources to better allocate those resources and devices such as these can help in logistical planning.

The legislation will treat offenses of this law the same as stalking.

Thank you for your time this afternoon. I am happy to answer any questions you may have.

## **Man accused of using GPS to track wife**

Steven Elbow  
February 15, 2008

A Madison man allegedly stalked his wife, a Madison police officer, by placing GPS devices in her vehicles, using sophisticated computer software to track her movements through her cell phone and hacking his way into the Madison Police Department's human resources computer program to learn her work schedule.

Dustin M. Farberg, 38, a former corrections officer who now works as a human resources assistant for UW's School of Medicine and Public Health, faces charges on felony counts of stalking, identity theft and vehicle theft and a misdemeanor computer crime for the alleged three-month-long stalking of both his wife and another police officer with whom she was having an affair.

According to a criminal complaint, Farberg began stalking his wife last fall, and she discovered tracking programs on her computer. She checked her computer history and found that her husband had accessed Web sites that sold surveillance equipment, including GPS devices and monitoring software specifically for her cell phone.

According to the complaint:

After separating from her husband, she became alarmed that her husband, during frequent calls to her cell phone, was aware of her whereabouts. She later found a GPS device clipped onto her car's battery.

After she confronted Farberg, he apologized and promised to return the device to the company where he bought it, but later attached another GPS device to the car.

The complaint also details several incidents during which Farberg allegedly harassed his wife and the officer she was seeing, at one point taking her car from a parking lot while she was visiting the other man. During another incident, Farberg allegedly drove several times through an accident scene where his wife and the other officer were present.

The complaint also alleges that Farberg, using a program that recorded his wife's keystrokes, was able to use her user name and password to access the Madison Police Department's human resources program, where he discovered that his wife and the other officer scheduled the same vacation days.

A search of his workplace found that Farberg also had accessed his wife's e-mail account and printed letters between his wife and the other officer, the complaint states.